

Informal Probate (With A Will)



Use these forms and instructions only if the following factors apply to your situation:

- You are related to the person who died or you have a legal interest in the person's property
- The person had a will
- The person has been dead for less than three years
- No prior probate or administration proceeding was started in Minnesota
- You want to file court papers to have someone appointed to administer the estate of the person who died

If you are not sure that these forms and instructions apply to your situation, see a lawyer for help.

INFORMAL PROBATE (WITH A WILL)

What to do before you come to court to file anything:

1. Determine if the person who died has been dead for less than three years.
2. Determine if a probate or administration proceeding was previously started in Minnesota.
3. Decide if you are an appropriate person to sign and submit the Application. To do this, read the Application and other forms in this packet, it will help you know what the law requires.
4. Complete the Application. It is very important that the Application be completed thoroughly and accurately. You must accurately list all of the heirs and devisees of the person who died.
5. Complete the following documents. (NOTE: Leave the dates and time of the hearing and signatures blank. These will be filled in by the Court Administrator when you file the papers with the Probate Court.):
 - Statement of Informal Probate of Will and Order of Informal Appointment of Personal Representative
 - Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors
 - Acceptance of Appointment and Oath by Individual (a court deputy can notarize your signature when you come to court)
 - Letters Testamentary
6. Make a copy of the completed forms for your own records.
7. Call the Registrar at **(651) 266-8148** to arrange an appointment.

What to do when you come to court:

1. Bring the original of the following documents to the Probate Court for filing:
 - Application for Informal Probate of Will and for Informal Appointment of Personal Representative
 - Original Will
 - Statement of Informal Probate of Will and Order of Informal Appointment of Personal Representative
 - Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors
 - Acceptance of Appointment and Oath by Individual
 - Letters Testamentary

2. The filing fee must be paid at the time of filing. A personal check or credit card will be accepted with proper identification.

3. If all is in order, the Registrar will approve the Application and give (or send) you a copy of the completed Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors.

Send Notice of the Probate and Appointment:

1. After the Registrar completes and signs the Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors, you must make copies of it and mail a copy to each of the heirs and devisees you listed on your Application.

2. These copies must be mailed to the heirs and devisees before the Registrar can issue the Letters Testamentary.

3. Complete the Affidavit of Mailing in this packet and file it with the Probate Court. (Remember to have your signature notarized.)

Arrange for Publication:

1. Determine if you or the Court Administrator will make arrangements for publication of the Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors.

2. Publication must be made once a week for two consecutive weeks in a legal newspaper in the county. Proof of Publication or an Affidavit of Publication must be filed with the Court Administrator before the Registrar can issue the Letters Testamentary.

3. You are responsible for paying the newspaper for publication costs.

What Happens Next:

1. The Registrar will sign the Letters Testamentary after the Acceptance of Appointment and Oath by Individual, Affidavit of Mailing, and Proof of Publication (or Affidavit of Publication) are filed with the Court Administrator.

2. You will probably need one or more certified copies of the Letters Testamentary to prove that you have the authority to administer the estate of the person who died. You will need to ask the Court Administrator for a certified copy. There is a charge for each certified copy.

3. The Court does not supervise the administration of informal probate proceedings. However, it is still the responsibility of the personal representative to prepare and mail the inventory and final account and otherwise comply with the law for administration of the estate and distribution of assets.

Examples of Negative Allegations For Decedents Dying AFTER DECEMBER 31, 1995

- Example 1** "Where only the spouse survives the application should state 'that the decedent left no surviving issue, natural or adopted, legitimate or illegitimate.'"
- Example 2** "Where only children survive, the application should state 'that the decedent left surviving no spouse; no children, natural or adopted, legitimate or illegitimate, other than herein named; and no issue of any deceased children.'"
- Example 3** "Where the spouse and children survive, the application should state 'that the decedent left surviving no children, natural or adopted, legitimate or illegitimate, other than herein named and no issue of any deceased children.'"
- Example 4** "Where only brothers or sisters of decedent survive, the application should state 'that the decedent left surviving no spouse; issue; parents; brothers or sisters; other than herein named; and no issue of deceased brothers or sisters.'"
- Example 5** "Where only grandparents survive, the application should state 'that the decedent left surviving no spouse; issue; parents; brothers or sisters or issue thereof; and no paternal grandparent other than herein named; and no maternal grandparent other than herein named.'"
- Example 6** "Where the nearest surviving descendants of the paternal grandparents are first cousins; and the nearest surviving descendants of the maternal grandparents are first cousins once removed, the applications should state:
'that the decedent left surviving no spouse; issue; parents; brothers or sisters or issue thereof; grandparents; aunts or uncles; and no paternal first cousins other than herein named; and no maternal first cousins once removed other than herein named.'"

In all cases, the application should state either:

- (a) That all heirs-at-law survived the decedent for 120 hours or more; or
- (b) That all the heirs-at-law survived the decedent for 120 hours or more except the following: (name or names).

In all cases where a spouse and children survive, the application should state either:

- (a) That all of the issue of either the decedent or the decedent's surviving spouse are common to both of them; or
- (b) That one or more of the issue of either the decedent or the decedent's surviving spouse are not common to both of them.

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT
PROBATE DIVISION
SECOND JUDICIAL DISTRICT

Court File No. _____

Estate of

**APPLICATION FOR INFORMAL PROBATE
OF WILL AND FOR INFORMAL
APPOINTMENT OF PERSONAL
REPRESENTATIVE**

_____,

Decedent

I, _____, state:

1. My address is:
2. I am an interested person as defined by Minnesota law because I am:
3. Decedent was born on _____, at _____.
4. Decedent died on _____, at _____.
5. Decedent at the time of death resided in _____ County, at (address):
6. Decedent's Social Security number is _____.
7. The names and addresses of Decedent's spouse, children, heirs, devisees and other persons interested in this proceeding so far as known or ascertainable with reasonable diligence by the Applicant are:

Name and Mailing Address	Relationship and Interest (list all)	Birthdate of Minors
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(attach separate schedule, if necessary)

8. Negative Allegation Statement (see Minn. Gen. R. Prac. 408(a)):
9. All persons identified as heirs have survived the Decedent by at least 120 hours.

10. ☐ Decedent left no surviving spouse.
☐ Decedent left no surviving issue.
☐ All issue of Decedent are issue of Decedent's surviving spouse except for:

☐ There are issue of the surviving spouse who are not issue of the Decedent.

11. Venue for this proceeding is in this County of the State of Minnesota because:

☐ The Decedent was domiciled in this County at the time of death and was the owner of property located in the State of Minnesota.

or

☐ Though not domiciled in the State of Minnesota, the Decedent was the owner of property located in this County at the time of death.

12. I estimate the Decedent's assets and indebtedness are as follows:

Probate Assets

Homestead \$ _____
Other real estate \$ _____
Cash \$ _____
Securities \$ _____
Other \$ _____

Non-Probate Assets

Joint Tenancy \$ _____
Insurance \$ _____
Other \$ _____

Approximate Indebtedness \$ _____

13. There is no personal representative of the Decedent appointed in Minnesota or elsewhere whose appointment has not been terminated.

14. ☐ I have not received a demand for notice and am not aware of any demand for notice of any probate or appointment proceeding concerning the Decedent that may have been filed in Minnesota or elsewhere.

or

☐ Proper notice has been given to those persons who have filed a demand for notice.

15. Decedent's Will is comprised of the following:

☐ Last will dated _____.

☐ Codicil(s) dated _____.

☐ Separate writing(s) under Minn. Stat. 524.2-513 dated _____.

☐ (check if applicable) The Will refers to a separate writing, but none has been found.

16. To the best of my knowledge and belief, the Will has been validly executed.

17. Having conducted a reasonably diligent search, I am unaware of any instrument revoking the Will or of any other unrevoked testamentary instrument.

18. The documents comprising the Will:

☐ accompany this Application.

☐ are in the Court's possession.

☐ have been probated elsewhere and an authenticated copy of the Will and statement or order probating the same accompany this Application.

19. The Will nominates _____ as personal representative.
☐ The nominated personal representative is willing to serve and is not disqualified.
or
☐ The nominated personal representative is unable or has declined to serve.
☐ _____ has priority to serve as personal representative because:

and is willing to serve and is not disqualified.

20. The Will specifies:

Bond: ☐ No bond
☐ Minimum bond
☐ \$ _____ bond
☐ Unspecified

Administration: ☐ Undesignated
☐ Unsupervised
☐ Supervised

21. At least 120 hours, but not more than 3 years (except as permitted by Minn. Stat. 524.3-108), have elapsed since Decedent's death.

WHEREFORE, I request the Registrar informally:

1. Enter a statement probating the Will;
2. Enter an order appointing _____ as personal representative, with _____ bond, in an unsupervised administration;
3. Issue letters testamentary to _____; and
4. Grant such other relief as may be proper.

Under penalties for perjury, I declare or affirm that I have read this document and I know or believe its representations are true and complete.

Applicant

Date

Attorney for Applicant:

Name:

Firm:

Street:

City, State, ZIP:

Attorney License No.:

Telephone:

Fax:

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
PROBATE DIVISION
SECOND JUDICIAL DISTRICT

Court File No. _____

Estate of

**RENUNCIATION OF PRIORITY FOR
APPOINTMENT AND RIGHT TO
NOMINATE
PERSONAL REPRESENTATIVE**

Decedent

I, _____, state:

1. My address is:

2. I have priority for appointment as the personal representative of this Estate and/or a right to nominate the personal representative of this Estate because I am:

3. I renounce any right for appointment as a personal representative of this Estate.

4. I renounce any right to nominate a personal representative of this Estate.

Under penalties for perjury, I declare or affirm that I have read this document and to the best of my knowledge or information, its representations are true and complete.

Signature

Date

Attorney for _____
Name:
Firm:
Street:
City, State, ZIP:
Attorney License No.:
Telephone: FAX:

STATE OF MINNESOTA

COUNTY OF RAMSEY

**DISTRICT COURT
PROBATE DIVISION
SECOND JUDICIAL DISTRICT**

Court File No. _____

Estate of

**STATEMENT OF INFORMAL PROBATE
OF WILL AND ORDER OF
INFORMAL APPOINTMENT OF
PERSONAL REPRESENTATIVE**

_____,

Decedent

The Application for the Informal Probate of Will and Informal Appointment of Personal Representative, signed by _____, came before the Registrar on _____. The Registrar, having considered the Application, determines the following:

1. The Application is complete.
2. The Applicant has declared or affirmed that the representations contained in the Application are true to the best of Applicant's knowledge or belief.
3. The Applicant appears from the Application to be an interested person as defined by Minnesota law.
4. On the basis of the statements in the Application, venue in this County is proper.
5. Any notice required by Minnesota law has been given.
6. Decedent's Will is comprised of the following:
 - ☐ Last will dated _____.
 - ☐ Codicil(s) dated _____.
 - ☐ Separate writing(s) under Minn. Stat. 524.2-513 dated _____.
 - ☐ (check if applicable) The Will refers to a separate writing, but none has been found.
7. The documents comprising the Will:
 - ☐ are in the Registrar's possession.
 - ☐ have been probated elsewhere, and an authenticated copy of the Will and statement or order probating the same accompany this Statement.
8. Decedent died on _____ and at least 120 hours, but not more than 3 years, (except as permitted by Minn. Stat. 524.3-108) have elapsed since the Decedent's death.

9. (Check appropriate boxes)

- ☐ Decedent left no surviving spouse.
☐ Decedent left no surviving issue.
☐ All issue of Decedent are issue of Decedent's surviving spouse except for:

☐ There are issue of the surviving spouse who are not issue of the Decedent.

10. From the statements in the Application, the person appointed below has priority and is entitled to be appointed personal representative, and is not disqualified to serve as personal representative.

11. The Will specifies:

Bond: ☐ No bond
☐ Minimum bond
☐ \$ _____ bond
☐ Unspecified

Administration: ☐ Undesignated
☐ Unsupervised
☐ Supervised

12. The Application indicates that there is no personal representative appointed in this or another county of Minnesota whose appointment has not been terminated.

IT IS ORDERED:

1. The Application is granted.

2. The Will is informally probated.

3. _____ is informally appointed as the personal representative of the Decedent's Estate, with _____ bond.

4. Upon filing any required bond and statement of acceptance and oath, letters testamentary will be issued.

Registrar

Date

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT
PROBATE DIVISION
SECOND JUDICIAL DISTRICT

Court File No. _____

Estate of

**NOTICE OF INFORMAL PROBATE OF WILL
AND APPOINTMENT OF PERSONAL
REPRESENTATIVE AND
NOTICE TO CREDITORS**

_____,

Decedent

Notice is given that an application for informal probate of the Decedent's will dated _____, and codicil(s) to the will, dated _____, and separate writing(s) under Minn. Stat. 524.2-513 dated _____ ("Will"), has been filed with the Registrar. The application has been granted.

Notice is also given that the Registrar has informally appointed _____, whose address is:

as personal representative of the Estate of the Decedent. Any heir, devisee or other interested person may be entitled to appointment as personal representative or may object to the appointment of the personal representative. Unless objections are filed with the Court (pursuant to Minn. Stat. 524.3-607) and the Court otherwise orders, the personal representative has full power to administer the Estate including, after 30 days from the date of issuance of letters, the power to sell, encumber, lease or distribute real estate.

Any objections to the probate of the will or appointment of the Personal Representative must be filed with this Court and will be heard by the Court after the filing of an appropriate petition and proper notice of hearing.

Notice is also given that (subject to Minn. Stat. 524.3-801) all creditors having claims against the Estate are required to present the claims to the personal representative or to the Court Administrator within four months after the date of this Notice or the claims will be barred.

Registrar

Date

Court Administrator

Date

Attorney for Applicant

Name:

Firm:

Street:

City, State, ZIP:

Attorney License No.:

Telephone: FAX:

NOTE: If notice to creditors has been previously given, delete the notice to creditors.

NOTE TO PUBLISHER: Do not publish the text of Notes.

**DISTRICT COURT
SECOND JUDICIAL DISTRICT
PROBATE COURT DIVISION**

Court File No. _____

AFFIDAVIT OF MAILING ORDER OR NOTICE

[illegible]

NAME & MAILING ADDRESS:

Affiant _____ Date _____
Signed and sworn to (or affirmed) before me on
(date) _____ by
(name of affiant) _____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTORIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

INSTRUCTIONS: (1) A copy of the Order or Notice must be mailed to each heir, devisee, personal representative, the foreign consul pursuant to Minn. Stat. 524.3-306 and 524.3-403, lawyers representing interested parties pursuant to Minn. Stat. 524.1-401(a), and the Minnesota Attorney General, if a devisee is a charitable organization or if the decedent left no devisees or heirs. In determining the persons or entities entitled to receive this order or notice, see Minn. Stats. 501B.41(5), 524.1-201(19), 524.1-403 and 524.1-404 and Minn. Gen. Rules of Practice 404(b) and 408(d). If the Decedent is survived by a spouse or minor child, also use Notice to Spouse and Children. (2) Attach to this affidavit another copy of the Order or Notice which was sent. (3) It may be necessary to give notice to creditors. See Minn. Stat. 524.3-801(3) and Supplementary Notice to Known and Identified Creditors form.

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT
PROBATE DIVISION
SECOND JUDICIAL DISTRICT

Estate of

Court File No. _____

ACCEPTANCE OF APPOINTMENT
AS PERSONAL REPRESENTATIVE
AND OATH BY INDIVIDUAL

_____,
Decedent

STATE OF MINNESOTA

COUNTY OF RAMSEY

I, _____,
residing at:

as a condition to receiving letters as Personal Representative in this Estate, (1) accept the duties of the office, (2) agree to be bound by the provisions of the statutes relating to the office, (3) submit to the jurisdiction of the Court in any proceeding relating to this Estate, and (4) swear that I will faithfully perform all duties of the office that I now assume to the best of my ability.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

Affiant Date

Signed and sworn to (or affirmed) before me on
(date) _____ by

(name of affiant) _____,

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Attorney for _____

Name:

Firm:

Street:

City, State, ZIP:

Attorney License No.:

Telephone:

FAX:

STATE OF MINNESOTA

COUNTY OF RAMSEY

**DISTRICT COURT
PROBATE DIVISION
SECOND JUDICIAL DISTRICT**

Court File No. _____

Estate of

LETTERS

☐ **TESTAMENTARY**

☐ **OF GENERAL ADMINISTRATION**

_____,

Decedent

1. The Decedent died on _____.

2. _____ has been appointed
Personal Representative of Decedent's Estate in

☐ an unsupervised

☐ a supervised administration

and is now qualified to act as Personal Representative of the Estate and has authority to administer the Estate according to law.

(COURT SEAL)

Judge/Registrar

Date

COUNTY OF RAMSEY

Court File No._____

**UNSUPERVISED
PERSONAL REPRESENTATIVE'S
STATEMENT TO CLOSE ESTATE**

Decedent

[illegible]

I, _____,
the Personal Representative of the Estate, state that I (or a prior Personal Representative whom I have succeeded)
have:

1. Published notice to creditors. The date of the notice was more than four months prior to the date of this statement.
2. Fully administered this Estate by making payment, settlement or other disposition of all claims which were presented, expenses of administration, estate and other taxes, except as specified in this statement.
3. Inventoried the assets of the Estate and distributed them to the persons entitled to them. Listed below are all unpaid claims, expenses or taxes which remain undischarged (If none, so state; otherwise state in detail other arrangements which have been made to accommodate all outstanding liabilities.):

4. Sent a copy of this statement to all distributees of this Estate and to all creditors or other claimants whose claims are neither paid nor barred and have furnished a full account in writing of this administration to the distributees whose interests are affected by the administration of this Estate.

This statement is filed for the purpose of closing this Estate and terminating my appointment as Personal Representative of the Estate.

Personal Representative

Date

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

Signed and sworn to (or affirmed) before me on

(date) _____ by

(name) _____,
Personal Representative.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Attorney for Personal Representative

Name:

Firm:

Street:

City, State, ZIP:

Attorney License No.:

Telephone: FAX:

NOTE: Appointment of the personal representative terminates one year following the filing of this statement with the court. Letters of appointment remain in full force and effect during that year.